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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

7 UN4 PRODUCTIONS, INC.,

8 Plaintiff,

9 v.

10 DIMITRIA OMELCO, *et al.*,

11 Defendants.
12

Case No. C17-0786RSL


ORDER DENYING SECOND
MOTION FOR EXTENSION OF
TIME

13 This matter comes before the Court on plaintiff's "Motion for Additional Time to
14 Attempt Process Service." Dkt. # 27. It can be challenging to meet the 90 day service
15 deadline in BitTorrent cases where plaintiff must first conduct discovery from the ISP
16 before it can identify, name, and serve the defendant. It can be done, however, and the
17 Court has repeatedly indicated that it expects at least a good faith effort to comply with
18 the service deadline. In this case, the Court has already granted a three week extension of
19 the service deadline to allow for personal service if defendants refused to waive.

20 Plaintiff asserts that defendant Sylvia T. Falngin "elected not to return
21 the request for waiver" of service under Fed. R. Civ. P. 4(d). Dkt. # 27 at 1. There is no
22 evidence that a waiver was sent to this defendant, however, much less that it was sent in a
23 timely manner. The only evidence of attempted service in the record shows that plaintiff
24 engaged a process server two weeks before the extended deadline for service. The process
25 server attempted service for five days, and all attempts ended on August 29, 2017, nine
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1 days before the service deadline. Plaintiff has not shown good cause for a second
2 extension of time. The claims against Ms. Falngin are DISMISSED.

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4 Dated this 19th day of October, 2017.

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6 Robert S. Lasnik
7 United States District Judge
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